

REMARKS

In the Office Action issued on April 1, 2009, the Examiner:
acknowledged a Request for Continued Examination under 37 CFR 1.114;
rejected claim 1 based upon informalities; and
rejected claims 1, 3, 10, 11, 13, 14 and 16 under 35 U.S.C. §102(b) as
being anticipated by Pavcnik (WO 99/62431).

The Applicants have fully considered the Office action and cited reference
and submit this Reply and Amendment in response to the Examiner's action.
Reconsideration of the application for patent is also requested.

Preliminary matter – Summary of telephone interview conducted on June 9, 2009

The Applicants thank the Examiner for the telephone interview conducted
on June 9, 2009. During the interview, the undersigned attorney described
substantial portions of the amendments made herein and the distinctions between
the amended claims and the cited reference to the Examiner. Specifically, the
amendment to claim 1 relating to the edge of the graft being free of contact with
the second and third portions of the strut was discussed in comparison to Pavcnik.
Other potential amendments were also discussed as described in the Examiner's
Interview Summary.

While no agreement was reached with respect to the claims, the Examiner's
comments and insight were helpful and are greatly appreciated.

Amendments to the claims

To further distinguish the cited reference, the Applicants have herein
amended independent claim 1, from which all other rejected claims depend, to
require that the edge of the graft member is free of contact with the second and
third portions of the at least one of the struts.

To further distinguish the cited reference, the Applicants have also amended

claim 1 to require that the at least one attachment element be disposed circumferentially around the first portion of the at least one of the struts and through a thickness of the graft member.

The Applicants also have amended claim 1 to change "extended" to "extending" to be more clear grammatically and to address the Examiner's objection for informalities.

The Applicants also have amended claim 1 in multiple locations to properly refer to the "at least one of the struts" element.

These amendments to the claims are fully supported by the application as originally filed; no new matter has been introduced. Exemplary support is found in Figure 11 and in paragraphs [0071] and [0076].

Claim objections

The Examiner objected to claim 1 for informalities. Specifically, the Examiner indicated that "extended" should be "extending" to be more clear grammatically.

The Applicants have herein amended claim 1 to make the change suggested by the Examiner.

The Applicants respectfully submit that this amendment to claim 1 overcomes the listed objection. Withdrawal of this objection to the claims is respectfully requested.

Rejections under 35 U.S.C. §102

Pavcnik

The Examiner rejected Claims 1, 3, 10, 11, 13, 14, and 16 under 35 U.S.C. §102(b) as being anticipated by Pavcnik (WO 99/62431).

The Applicants have herein amended independent claim 1, from which all other rejected claims depend, to require the "the edge of the graft member is free of contact with the second and third portions of the at least one of the struts."

Pavcnik does not teach or suggest such an arrangement for the graft member and a strut. The Examiner noted that he interprets Pavcnik as reading on the claimed invention, prior to the amendment made herein, because "the first, second and third portions of the strut need not be entirely solid materials but can include loops." (see Office action, p.2, bottom). As illustrated in Figures 12 and 15 of Pavcnik, the edge of the graft contacts the loops. Indeed, such contact is forced by sutures placed around the loops and through the graft member.

Accordingly, Pavcnik does not anticipate claim 1 as amended herein because it does not teach each and every limitation of the claim. Furthermore, the reference does not anticipate any of claims 3, 10, 11, 13, 14, and 16 because each of these claims ultimately depends from claim 1 and, as a result, includes all limitations of claim 1.

The Applicants respectfully assert that all claim rejections based on Pavcnik are overcome by the amendments made herein and request their withdrawal.

CONCLUSION

The Applicants have fully responded to the objections and rejections listed by the Examiner in the April 1, 2009 Office action.

A Notice of Allowability relating to all claims currently under consideration is appropriate and respectfully requested by the Applicants.

Should the Examiner have any questions regarding this Reply and Amendment, or the remarks contained herein, the undersigned attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,

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